

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
May 4, 2010

Lake Forest City Hall
25550 Commercentre Drive
Council Chambers
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is <u>NOT</u> intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.
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CALL TO ORDER: 5:30 p.m.

ROLL CALL:	Council Members:	Kathryn McCullough Marcia Rudolph Mark Tettemer Richard T. Dixon Peter Herzog
	Mayor Pro Tem:	
	Mayor:	
	City Manager:	Robert C. Dunek
	City Attorney:	Scott C. Smith
	City Clerk:	Stephanie D. Smith

CLOSED SESSION (F: 16.3) 5:30 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(c)
Number of Potential Cases: 1
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Title: City Attorney
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(b)
Number of Potential Cases: 1
4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)

Existing Litigation
Number of Cases: 1

City of Lake Forest v. De La Cuesta, et al. (Consolidated Case No. 30-2009 00298887)

5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 1

City of Lake Forest adv. Marla James, et al. (Case No. SACV 10-00402 AG(MLGx))

6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 4

City of Lake Forest v. Lake Forest Body Centre, Charlie Abujudeh, Julie Ho, Christine Vo & El Toro Plaza, L.P. (Case No. 07-CC11555)

Charlie Abujudeh v. City of Lake Forest (Case No. 07-CC10334)

Julie Ho v. City of Lake Forest (Case No. 30-2008-00107142)

Doris Vo, et al. v. City of Lake Forest, et al. (Case No. 30-2008-00113132)

7. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: 18 acre portion of Tentative Tract 15944 consisting of Lots 14, 15, 16, 21, and 22 along with the westerly 119'+ of Lot 20 and the westerly portion of Lot 17 described by a line extending from the common front corner between Lots 16 & 17 'M' Street to a point on the northeasterly line of Lot 20, 118'+ from the north center, Lake Forest, CA.
Agency negotiators: City Manager and City Attorney
Negotiating parties: Property Owner of Record
Under Negotiation: Price and Terms of Payment

ACTION: Conducted Closed Session.

RECESS: City Council recessed from Closed Session at 7:03 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:08 p.m. with all members present to continue regular City business.

PUBLIC SESSION

7:08 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Council Member Tettemer.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there was no reportable action from the current Closed Session however reported that on April 6, 2010 the City Council voted unanimously to settle litigation in the matter of City of Lake Forest v. Hernandez, and that the settlement agreement had now been executed by all parties. Motion to approve the settlement agreement was made by Council Member Tettemer with second by Council Member Rudolph. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

PRESENTATIONS:

8. RECOGNITION OF KENNETH G. HOLLAND, 2010 ORANGE COUNTY SHERIFF'S MEDAL FOR LIFESAVING RECIPIENT submitted by Chief of Police Services. (F: 55.5)

ACTION: The City Council continued the presentation to the May 18, 2010 Regular City Council Meeting.

9. RECOGNITION OF GRADUATES OF THE 2010 LAKE FOREST COMMUNITY EMERGENCY PREPAREDNESS ACADEMY submitted by Chief of Police Services. (F: 55.5)

ACTION: On motion by Council Member Tettemer and second by Council Member McCullough, the City Council approved and presented Certificates of Recognition to 2010 Community Emergency Preparedness Academy Graduates. MOTION UNANIMOUSLY CARRIED.

REPORT FROM STUDENT LIAISON:

Nikki David, Student Liaison from El Toro High School, presented her report.

RECESS: City Council recessed at 7:18 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:35 p.m. to continue regular City business.

PUBLIC COMMENTS:

Margie Wakeham, Families Forward, offered comments.

CONSENT CALENDAR - WARRANT REGISTER: (Item No.10)

10. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$954,067.40.

ACTION: On motion by Council Member Tettemer and second by Council Member Rudolph, the City Council approved the warrant register as submitted. MOTION CARRIED with Mayor Pro Tem Dixon abstaining on the warrant payable to Sunset Property Services.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos.11-20)

ACTION: On motion by Council Member McCullough and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. *11-14, 16-17 & 19-20 as submitted. MOTION CARRIED with Council Member Tettemer abstaining on Item No.19.

- *11. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: Approved the reading by title of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.

- *12. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON APRIL 6, 2010 submitted by City Clerk.

ACTION: Approved as submitted.

- *13. CITY FINANCIAL REPORTS - QUARTER ENDED DECEMBER 31, 2009 submitted by Director of Finance/City Treasurer. (F: 30.13)

ACTION: Received and filed.

- *14. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2010-2015 DRAFT CONSOLIDATED PLAN - FINAL APPROVAL submitted by Assistant City Manager. (F: 73.7H2)

ACTION: 1. Approved the final 2010-2015 Consolidated Plan. 2. Authorized submission of the 2010-2015 Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD).

- *16. REQUEST FOR PROPOSAL FOR BUS SHELTER AND CONCRETE BUS BENCH MAINTENANCE submitted by Director of Public Works/City Engineer. (F: 11.4E3)

ACTION: 1. Approved the request for proposal for Bus Shelter and Concrete Bus Bench Maintenance. 2. Authorized the City Clerk to advertise and solicit proposals for these services.

- *17. TECHNOLOGY REFRESH USING VIRTUAL DESKTOP TECHNOLOGY submitted by Director of Management Services. (F: 52.4B1)

ACTION: Approved the proposal from Synoptek for the purchase of hardware and software for the annual Technology Refresh project.

- *19. FIRST AMENDMENT TO AGREEMENT WITH DAVID TAUSSIG & ASSOCIATES FOR SPECIAL TAX CONSULTING SERVICES submitted by the Assistant to the City Manager. (F: 30.17)

ACTION: 1. Approved the First Amendment to the Agreement with David Taussig & Associates for Special Tax Consulting Services. 2. Authorized the Mayor to sign and the City Clerk to attest the First Amendment with David Taussig & Associates.

- *20. APPOINTMENT OF AUTHORIZED AGENT FOR A UNIVERSAL RESOLUTION WITH THE STATE OF CALIFORNIA OFFICE OF EMERGENCY SERVICES submitted by Director of Public Works/City Engineer. (F: 72.4A2)

ACTION: Adopted Resolution No. 2010-08 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER AS AUTHORIZED AGENT TO EXECUTE AND SUBMIT APPLICATIONS FOR FEDERAL FINANCIAL

ASSISTANCE UNDER THE LAWS OF THE STATE OF CALIFORNIA, AND TO FILE IT IN THE OFFICE OF EMERGENCY SERVICES FOR THE PURPOSE OF OBTAINING CERTAIN FEDERAL FINANCIAL ASSISTANCE UNDER P.L. 93-288 AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT OF 1988, AND/OR STATE FINANCIAL ASSISTANCE UNDER THE CALIFORNIA DISASTER ASSISTANCE ACT FOR ALL OPEN AND FUTURE DISASTERS.

PULLED CONSENT CALENDAR ITEMS:

15. 2010/11 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN - FINAL APPROVAL submitted by Assistant City Manager.

Council Member Rudolph pulled this item for separate consideration.

ACTION: On motion by Council Member McCullough and second by Council Member Dixon, the City Council: 1. Approved the final Community Development Block Grant (CDBG) Action Plan. 2. Authorized staff to submit the Action Plan to the U.S. Department of Housing and Urban Development (HUD). MOTION UNANIMOUSLY CARRIED.

Council Member Rudolph pulled this item for separate consideration.

18. AWARD OF CONTRACT FOR CONSULTANT SERVICES FOR ENVIRONMENTAL REVIEW FOR THE WHISLER RANCH DEVELOPMENT submitted by Director of Development Services. (F: 50.11B7)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Dixon, the City Council: 1. Approved the selection of The Planning Center for environmental consultant services for the proposed Whisler Ranch development, in an amount not to exceed \$35,413. 2. Authorized the Mayor to execute, and the City Clerk to attest, the agreement with The Planning Center, substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

21. ORDINANCE RE: LAKE FOREST TRAFFIC MITIGATION PROGRAM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD submitted by City Attorney.

ACTION: On motion by Mayor Pro Tem Dixon and second by Council Member Tettemer, the City Council introduced for first reading an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 7.19.030(C) OF THE LAKE FOREST MUNICIPAL CODE RELATING TO THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD. MOTION UNANIMOUSLY CARRIED.

22. LEGISLATIVE AND REGULATORY MATTERS submitted by the Assistant to the City Manager. (F: 72.2B)

ACTION: Items 1, 2 & 3 on the legislative agenda were addressed separately. Council Member Tettemer recused himself from discussion on Item 1, letter of support for Irvine Ranch Water District. On motion by Council Member McCullough, second by Mayor Pro Tem Dixon, the City Council approved Item 1, letter of support for Irvine Ranch Water District. MOTION CARRIED, with Council Member Tettemer abstaining.

ACTION: On motion by Council Member Tettemer and second by Council Member McCullough, the City Council approved Items 2 & 3 on the legislative agenda. MOTION UNANIMOUSLY CARRIED.

CONSENSUS: Mayor Pro Tem Dixon obtained consensus for placing a Resolution in support of the California Jobs initiative on the next Council agenda.

23. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES submitted by City Clerk. (F: 43.4B).

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Tettemer offered comments.

Mayor Pro Tem Dixon offered comments.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no Continued Closed Session.

ADJOURNMENT: 8:20 p.m.